

April 3, 1979

LB 260, 260A

SENATOR NICHOL: Senator Keyes, when a policeman approaches someone who is intoxicated or laying flat on the street, they have a decision to make, whether they want to shirk their duty or approach the person and take care of them. They can't tell by looking at somebody unconscious on the street whether they are intoxicated or have had a heart attack or in insulin shock or what. Now if they want to say to themselves, I think he is drunk and walk away, that is a decision that policeman has to make. I don't think policemen as a rule do that, and as a last result, yes, under the present law, they may take them to jail. So that answers your question as to whether they may or may not. Some county attorneys have taken the posture that they cannot take them to county jail. Yes, they can take them to a county jail for their safekeeping if they don't want to take them home or anything else but they may take them into custody but the only thing they may not do is file a charge of intoxication against them.

SPEAKER MARVEL: The motion is the advancement of LB 260 to E & R for review. All in favor vote aye, opposed no. We are moving to advance the bill to E & R for review. Have you all voted? Have you all voted? The motion is the advancement of LB 260 to E & R for review. Have you all voted? Record.

CLERK: 25 ayes, 6 nays on the motion to advance, Mr. President.

SPEAKER MARVEL: The motion carried. The bill is advanced. Now the Clerk will read the A bill.

CLERK: Mr. President, LB 260A. Title read.

SPEAKER MARVEL: All those in favor of advancing LB 260A to E & R for review vote aye, opposed no. We are voting on the A bill for LB 260. Have you all voted? Have you all voted? Have you all voted? We passed LB 260. We are now voting on the A bill. Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I move the House go under Call.

SPEAKER MARVEL: Clear the Board. The question is, shall the House go under Call? All those in favor of that motion vote aye, opposed no. Record.

CLERK: 10 ayes, 1 nay to go under Call, Mr. President.